

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 16

January 12, 1995, 7:41 p.m.
Page S-883 Temp. Record

UNFUNDED MANDATES/Parliamentary Tactics

SUBJECT: Unfunded Mandate Reform Act of 1995 . . . S. 1. Dole motion to table the committee amendment beginning on page 10, line 15.

ACTION: MOTION TO TABLE AGREED TO, 53-38

SYNOPSIS: Pertinent votes on this legislation include Nos. 15, 17-41, 43-45, and 47-61.

As reported by the Governmental Affairs Committee and the Budget Committee, S. 1, the Unfunded Mandate Reform Act of 1995, will create 2 majority (51-vote) points of order in the Senate. The first will lie against the consideration of a bill or joint resolution reported by an authorizing committee if it contains mandates and if Congressional Budget Office (CBO) cost estimates on those mandates are unavailable. The second point of order will lie against the consideration of a bill, joint resolution, motion, amendment, or conference report that will cause the total cost of unfunded intergovernmental mandates in the legislation to exceed \$50 million.

The committee amendment beginning on page 10, line 15, would strike the bill's definition for the term "amount" and would change the bill's definition for the term "private sector" to mean "all persons or entities in the United States, except for State, local, or tribal governments, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions."

During debate, Senator Dole moved to table the amendment. The motion to table is not debatable; however, some debate preceded the making of the motion. The debate was not on the substance of the amendment. Generally, those favoring the motion to table wanted to finish consideration of noncontroversial committee amendments and begin consideration of substantive floor amendments; those expressing reservations or opposing the motion to table wished to stall consideration of substantive issues.

NOTE: The vote on the motion to table followed a motion to instruct the Sergeant at Arms to request the attendance of absent Senators (see vote No. 15).

Those favoring the motion to table contended:

(See other side)

YEAS (53)			NAYS (38)		NOT VOTING (9)	
Republicans (51 or 100%)	Democrats (2 or 5%)		Republicans (0 or 0%)	Democrats (38 or 95%)	Republicans (2)	Democrats (7)
Abraham	Helms	Byrd		Akaka	Jeffords ⁻²	Biden ⁻²
Ashcroft	Hutchison	Heflin		Baucus	Packwood ⁻²	Inouye ⁻²
Bennett	Inhofe			Bingaman		Johnston ⁻²
Bond	Kassebaum			Boxer		Kennedy ⁻²
Brown	Kempthorne			Bradley		Nunn ⁻²
Burns	Kyl			Breaux		Reid ⁻²
Chafee	Lott			Bryan		Rockefeller ⁻²
Coats	Lugar			Bumpers		
Cochran	Mack			Campbell		
Cohen	McCain			Conrad		
Coverdell	McConnell			Daschle		
Craig	Murkowski			Dodd		
D'Amato	Nickles			Dorgan		
DeWine	Pressler			Exon		
Dole	Roth			Feingold		
Domenici	Santorum			Feinstein		
Faircloth	Shelby			Ford		
Frist	Simpson			Glenn		
Gorton	Smith			Graham		
Gramm	Snowe					
Grams	Specter					
Grassley	Stevens					
Gregg	Thomas					
Hatch	Thompson					
Hatfield	Thurmond					
	Warner					

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

The distinguished Senator from West Virginia insists that he is not engaging in a filibuster, and we accept his assurance, but his actions on this bill are having the same effect as a filibuster. For an entire day, he has refused to allow the Senate to perform one of the most routine housekeeping duties that begins the consideration of a bill, the adoption of committee amendments. In the ordinary course of events, noncontroversial amendments are adopted by voice vote, with maybe one or two amendments held out by the bill managers because they are controversial or because they wish to hold them open for second-degree amendments. We accept that there has been some confusion over committee reports, and we understand our colleagues' desire to know the views of minority Members on the relevant committees, but the fact of the matter is that both reports are available--one has already been printed in the CONGRESSIONAL RECORD and will be available in booklet form tomorrow morning, the other has been available since this morning. We are well aware that our colleagues are acting within their rights under the Senate rules, but we really do not see any basis for this continued delay. This bill has very strong bipartisan support in Congress, it is strongly supported by State and local governments, business groups favor its passage, and the President has given it his endorsement. We know many Senators have constructive suggestions on how to improve the bill, and we are anxious to begin debate on their amendments. Therefore, we have offered this motion to table the pending committee amendment to nudge the process along. The substance of the amendment will be reoffered in a managers' amendment at a later date, so all we are doing with this motion is moving closer to the point where we may begin considering Senators' amendments. We do not intend to steamroll our colleagues--this motion is only to table 1 of the pending 16 committee amendments. However, we will not accept zero progress. Accordingly, we urge our colleagues to join us in tabling this amendment.

While favoring the motion to table, some Senators expressed the following reservations:

We are neither for nor against this bill. Our opinion has not yet been formed. In order to reach an informed decision we will first need to see the committee reports on this bill. Unfortunately, of the two that should have been issued, one was issued late, and the other has yet to appear. The sequence of events is as follows. First, in both the Governmental Affairs Committee and in the Budget Committee, party-line votes were held on whether committee reports should be issued. In both cases, Republicans voted against issuing reports because they were in a hurry to report the bill, and Democrats voted in favor. Democrats were thus denied the opportunity to file minority views. We read about the party-line vote in the Budget Committee, and were disturbed that it had taken place. Consequently, when the Democratic Leader relayed the request to bring up S. 2 on Thursday by unanimous consent, we told him that we would indeed object, unless the Committee first issued a report on the bill. We meant the Budget Committee (we did not even know the bill was being jointly reported) but our objection was misunderstood to be that we wanted to see a report from the Governmental Affairs Committee. Considering that we mentioned to the Democratic Leader that we were especially interested in the views of Senators Exon and Boxer, both of whom are on the Budget Committee but neither of whom are on the Governmental Affairs Committee, this misunderstanding is surprising, but nevertheless it occurred. The result was that we were promised that a committee report would be available by Tuesday evening, so, not knowing that the promised report would be from the Governmental Affairs Committee, we agreed to the unanimous consent request. That report was not forthcoming as promised. In fact, it was not issued until this morning after debate had already begun on the bill. When debate began, we objected to the normal request to agree to the committee amendments, because we had yet to read the views of the minority committee members. We were not, and are not, about to allow an up-or-down vote to be held on any issue on this bill until we have had a chance to examine the reporting committee's views. In this case, we now have the Governmental Affairs Committee's report, but, as we explained earlier, we are especially anxious to hear the views of minority Members on the Budget Committee. Admittedly, the Chairman of the Budget Committee printed a report in yesterday's issue of the CONGRESSIONAL RECORD, but that report was incomplete because it did not contain the views of Senator Exon. Until the Budget Committee issues a proper report we will not agree to passage of the committee amendments to S. 1. However, we do not mind tabling amendments, which is not technically the same as rejecting them. We understand that the bill managers, in fact, will reintroduce these committee amendments at a later date. Therefore, if the Republican Leader is willing to emasculate this bill by tabling committee amendments, we are pleased to join with him.

No arguments were expressed in opposition to the motion to table.